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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SIDNEY NAIMAN, on behalf of
himself and all others similarly
situated,

Plaintiff,

vs.

RAYOSUN, LLC., FREEDOM
SOLAR SERVICES, LLC, and DOES
1 through 10, inclusive, and each of
them,

Defendant.

Case No. 3:19-cv-00256-JSC

**PLAINTIFF'S NOTICE RE:
ORDER RE: MOTION TO
DISMISS**

DATE: April 4, 2019
TIME: 2:00 P.M.
DEPT: F
JUDGE: Hon. Jacqueline S. Corley

Plaintiff respectfully requests in the interest of efficient adjudication of the
issues against *all* parties, the Court continue the hearing on the motion to dismiss
to a later date with the expectation that all parties will appear and consent to
magistrate jurisdiction. Because this action is premised in vicarious liability,

1 Plaintiff would be prejudiced by severance of the parties by adjudicating the same
2 claims on the merits in both this and the severed action.

3 As the Court noted, Rayosun has been served but has not yet appeared and
4 Plaintiff is diligently working to serve Freedom Solar Services, pursuant to Fed. R.
5 Civ. P. 4(m).
6

7 Therefore, Plaintiff respectfully requests the Court continue the hearing on
8 the motion to dismiss to a later date, to permit proper service and appearance of *all*
9 parties, with the expectation that all parties will appear and consent to magistrate
10 jurisdiction, and should the non-appearing parties default or fail to consent to
11 magistrate jurisdiction, the case would be properly adjudicated as one action.
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15 Dated: March 25, 2019

Respectfully submitted,

16 LAW OFFICES OF TODD M. FRIEDMAN, PC
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18 By: /s/ Todd Friedman

19 Todd M. Friedman, Esq.
20 Attorney for Plaintiff
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CERTIFICATE OF SERVICE

Filed electronically on this 25th day of March, 2019, with:

United States District Court CM/ECF system

Notification sent electronically on this 25th day of March, 2019, to:

Honorable Jacqueline Scott Corley

United States District Court

Northern District of California

And all Counsel of Record as Recorded on the Electronic Service List.

This 25th Day of March, 2019

s/Todd M. Friedman, Esq.

Todd M. Friedman